

IN THE SENATE OF THE UNITED STATES.

APRIL 3, 1860.—Ordered to be printed.

Mr. HEMPHILL made the following

REPORT.

[To accompany Bill S. 367.]

*The Committee on Patents and the Patent Office, to whom was referred the memorial of Frederick E. Sickels, the inventor of an improvement in the steam-engine known as the "Sickels' cut-off," asking that a law may be passed authorizing the Commissioner of Patents to reëxamine his application for an extension of his patent for the term of seven years, have adopted the report made to the Senate at the last session of Congress, with some modifications, and beg leave to submit the same to the Senate, as follows:*

The memorialist was the inventor of an improvement in the steam engine, known as the "Sickels' cut-off," for which he obtained a patent on the 20th day of May, 1842, for the term of fourteen years. Previous to the expiration of the patent, on the 20th of May, 1856, the memorialist made an application to the Commissioner of Patents for an extension for seven years. Testimony was accordingly taken, and the case set for hearing before the Commissioner for the 5th day of May, 1856.

The first section of the act, approved May 27, 1848, amending the law providing for the extension of patents, provides that the Commissioner shall refer the application "to the principal examiner having charge of the class of inventions to which such case belongs, who shall make a full report to said Commissioner of the said case, and particularly whether the invention or improvement secured in the patent was new and patentable when patented," &c. The case now under consideration was duly referred to the examiner, who reported on the 3d day of May, two days before the final hearing by the Commissioner, that the evidence was "neither full nor clear," and that, from a full reading of the voluminous testimony, it appeared that Mr. Sickels was "not the 'original and first inventor' of the drop valve and dash pot as covered by the claims allowed him in the patent." The examiner further reported that "of the other questions involved under an application for the extension of a patent, they can all, as applied to this application, be answered affirmatively. The invention of the drop valve cut-off is one of much merit, value, and usefulness.

It is evident from the papers filed on this application, that Mr. Sickels has given earnest attention to the introduction of the invention."

The Commissioner's decision against the extension is dated the 20th of May, 1856, the date of the expiration of the patent. In reviewing the case, he refers to the act of 1848, already quoted, and the decision of the examiner that this invention "was not new and patentable at the time it was patented," and remarks that he is in doubt "whether it is proper for the Commissioner to review such a decision of the examiner, inasmuch as the law devolves this duty entirely on the examiner, differing in this particular from other examinations, which are contemplated to be made *constructively* by the Commissioner himself. At all events, I should feel unwilling to reverse the decision of the examiner in such cases, unless clearly satisfied of such decision being erroneous." The Commissioner then proceeds to say: "I have, however, in the present case, undertaken to review such a decision. I see some reason to doubt the correctness of the decision of the examiner, but not sufficient to cause the scale to preponderate decidedly in the contrary direction. The testimony is conflicting and voluminous. The time which I have been enabled to bestow upon the case has not been sufficient to enable me to give it that complete analysis which would enable me to come to a conclusion entirely satisfactory to myself, and I feel, therefore, compelled, somewhat reluctantly, to refuse the extension."

It appears that three suits at law, involving the question of the originality of the invention, have been decided in favor of Mr. Sickels and his assignees, upon substantially the same evidence that was submitted to the Commissioner of Patents to sustain the application for an extension. Two of these decisions have been examined by the committee. In December, 1843, a suit was tried in the circuit court of the United States for the southern district of New York, before Judge Betts, being an action against John F. Rodman for an infringement of the Sickels patent. An issue in this case was that Mr. Sickels was not the "original inventor." Without recapitulating the evidence then presented, or the rules of law laid down by the court, it is sufficient to state that a verdict was rendered by the jury for the plaintiff, sustaining the originality and genuineness of the patent at all points. The same issue was decided in a more recent case, tried before Judge Grier, in September, 1856, in the circuit court of the United States for the district of New Jersey, and since the expiration of the patent, against the Gloucester Manufacturing Company for an infringement. Upon the question whether Frederick E. Sickels was the first and original inventor of the improved machine claimed in his patent of May 20, 1842, Judge Grier decided: "On this point, I must say that, after a careful examination of the very voluminous and contradictory testimony relating to it, I feel satisfied that Frederick E. Sickels is the first inventor of the improved machinery for effecting a cut-off in steam engines, as described in his patent." The uniform decisions of the courts in the only cases tried involving the question of originality have sustained the claim of Mr. Sickels as the *original inventor*.

As these decisions of the courts, made both before and after the

report of the examiner in the Patent Office, are in conflict therewith, the committee are of opinion that there are grounds for supposing that the examiner committed an error, which would have been corrected by the Commissioner of Patents had he been clear as to his power to revise the opinion of the examiner, or time permitted for him to fully investigate the case.

On the question as to whether Mr. Sickels has ever been remunerated for his time, trouble, and expenditures in getting up, introducing, and perfecting his invention, your committee are satisfied that he has not been remunerated. Your committee have in proof in the papers on file that whilst the invention of the memorialist is of unquestioned utility and merit, yet notwithstanding these facts, from the pressure of circumstances he was compelled to dispose of his invention to other parties, in order to raise the means of perfecting his invention, procuring a patent therefor and introducing it into use, and that the assignees or purchasers were the parties benefited, and not the meritorious originator of the invention.

Your committee respectfully submit that, in their judgment, justice demands that the memorialist should have the further protection to his invention which an extension for seven years will give him. They therefore report a bill authorizing the Commissioner of Patents to rehear the application, and to grant an extension of seven years if the claimant be entitled to it under the laws regulating renewals of patents. The committee have so drawn the bill as in their opinion to protect the rights of those who may have adopted or used the invention since the expiration of the patent, 20th May, 1856.

The first of these is the fact that the human body is not a simple machine, but a complex organism, in which the various parts are interdependent and work together to form a whole. This is the principle of the "holistic" approach to medicine, which considers the whole person, not just the individual organs or systems.

The second principle is that the human body is not a static entity, but a dynamic one, which is constantly changing and adapting to its environment. This is the principle of the "evolutionary" approach to medicine, which recognizes that the human body has evolved over time in response to its environment, and that this evolution continues to this day.

The third principle is that the human body is not a purely physical entity, but a psychosomatic one, in which the mind and body are inseparably linked. This is the principle of the "psychosomatic" approach to medicine, which recognizes that the mind can influence the body, and the body can influence the mind, and that this interaction is a key factor in the development of many diseases.

These three principles form the basis of the modern approach to medicine, and they are the ones that we must keep in mind as we study the human body.